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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4059/2022, CM APPL. 12088/2022**

M/S COMPTON COMPUTERS PVT LTDPetitioner
Through: **Mrs. Manmeet Kaur Sareen and Mr. Rishabh Dheer, Advocates.**

versus

**EMPLOYEES PROVIDENT FUND
ORGANISATION (EPFO) & ORS.**Respondents
Through: **Mr. Kaushik Kumar Dey, Advocate.**

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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19.03.2026

1. The present writ petition has been preferred under Articles 226/227 of the Constitution of *India*, the petitioner being aggrieved with the order dated 10.01.2022 whereby its application seeking review under Section 7B of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (hereinafter the "Act") was dismissed without affording it an opportunity of personal hearing.
2. The order impugned was passed in the context of proceedings carried out before the learned Assistant Provident Fund Commissioner on a complaint received from one *Rakesh Sharma* regarding non-deposit of PF amounts of some of the employees by the establishment, despite deducting the same from their salaries. It was further claimed that though the establishment had more than 15 employees, PF benefits were not extended to them. A Show Cause Notice dated 25.01.2016 was issued to the



establishment, whereafter proceedings under Section 7A of the Act were carried out.

Vide its order dated 14.01.2020, the learned Assistant Provident Fund Commissioner held the establishment liable to pay damages under Section 14B and interest under Section 7Q of the Act. The petitioner preferred a review application under Section 7B of the Act, which came to be dismissed on 10.01.2022. The grievance of the petitioner is that no opportunity of hearing was granted; in this regard, the petitioner also placed reliance on the decision in Panchshila Cooperative House Vs. Assistant Provident Fund Commissioner, Delhi (South) And Anr.¹

3. Learned counsel for the respondents, on the other hand, defends the impugned order and submits that a reading of the impugned order would show that the same was passed by noting that no new facts or evidence were filed along with the review application.

4. The review would essentially lie not only on the aspect of new facts/evidence being discovered but also on the point of whether there was any mistake/error on the face of the record, as well as for any other sufficient reason. Besides the above, a reading of Section 7B of the Act would show the expression “whether it appears to the officer”. An opportunity of hearing the review applicant would only enable the review applicant to put forward his/her case. This Court is in complete agreement with the decision cited, i.e., Panchshila Cooperative House (*supra*), the relevant paragraphs whereof are extracted hereinbelow:-

“8. Besides, in the present case, it cannot be said that the petitioner was not prejudiced by the impugned order, dismissing his Review Application without hearing him. The impugned order shows that

¹ W.P.(C) 1443/2019, decided on 19.11.2024.



the concerned authority focused its attention only to the limited aspect of availability or discovery of new facts/evidence, but ignored the point of examination as to whether there was also any mistake or error apparent on the face of record or any other sufficient reason. Had the Competent Authority granted hearing to the petitioner, the above aspect would have been put forth, whatever be the ultimate decision of the authority. Therefore, I do not find it a case where the petitioner was not put to prejudice on account of denial of right to be heard.

9. The right to be heard is one of the most cherished rights flowing from not just the fundamental features of the Constitution of India, but even a natural right component of pre constitution era of jus naturale. No decision to the prejudice of anyone can be taken without granting that person a fair opportunity to be heard.

10. The provision under Section 7B(3) of the Act to the effect that on account of absence of sufficient ground to review, the Review Application can be rejected cannot be overstretched to say that there is no need for the Competent Authority to grant hearing to the review applicant. The expression “where it appears to the officer” in itself signifies that it must “appear” to the Competent Authority and in order to ensure that the said appearing is complete in itself, hearing to the review applicant is must. It is only after hearing the review applicant that the concerned authority can find sufficient ground to review or absence thereof. The finding to the effect that there is no sufficient ground for review cannot be recorded by the Competent Authority without affording hearing to the review applicant.”

5. Accordingly, the impugned order is set aside, and the matter is remanded back to the Competent Authority under the Act to decide the review application afresh after granting a personal hearing to both sides. Let the same be done within 3 months from today. Needless to state, the Competent Authority shall issue a return notice to the parties. At this stage, it is also informed that pursuant to the passing of the impugned order, two recovery notices dated 08.02.2020 and 02.03.2022 were issued; the same are also set aside.

6. It is clarified that this Court has not expressed any observation on the merits of the case, and it shall be open to the parties to raise all contentions before the competent authority.



7. The present writ petition, along with the pending application, is disposed of in the above terms.

MARCH 19, 2026

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MANOJ KUMAR OHRI, J